



U.S. Department of Justice

United States Attorney
Southern District of New York

86 Chambers Street
New York, New York 10007

April 23, 2025

By ECF

Hon. Dale E. Ho
United States District Judge
Thurgood Marshall United States Courthouse
40 Foley Square
New York, NY 10007

Re: *Stephan Jean Francois Gouaze v. USCIS, et al.*, 25 Civ. 1789 (DEH)

Dear Judge Ho:

This Office represents defendants (the “government”) in the above-named action, in which plaintiff seeks the Court’s review and approval of his application for naturalization pursuant to 8 U.S.C. § 1447(b). Based on the date this Office was served and Federal Rule of Civil Procedure 12(a)(2), the government’s response to the complaint is due on May 19, 2025.

This case was initially assigned to Judge Woods, who scheduled an initial pretrial conference for May 2, 2025, with pre-conference submissions due April 25, 2025. Both of these dates are before the government’s deadline to respond to the complaint. Respectfully, and pursuant to Rule 2(e) of this Court’s Individual Rules and Practices in Civil Cases, I request an adjournment of the initial conference until May 30, 2025 (*i.e.*, the Friday of the week following the deadline for the government’s response to the complaint) or another date that is convenient for the Court and for the parties, with the pre-conference submission due one week prior.

The reason for the adjournment request is that the government is in the process of reviewing the allegations in the complaint and preparing its response, which may be a motion to dismiss the complaint because, among other reasons, this Court cannot grant the relief plaintiff seeks. *See Ajlani v. Chertoff*, 545 F.3d 229, 241 (2d Cir. 2008) (concluding that a noncitizen “cannot secure naturalization from either the district court or the Attorney General while removal proceedings are pending”). An adjournment of the conference until after the government’s response deadline will allow sufficient time for the government to gather the relevant facts and administrative materials, carefully consider plaintiff’s claims and next steps in this litigation, and prepare its response so that the Court may consider it at the initial pretrial conference.

This is the government’s first request for an adjournment of the initial conference. Plaintiff objects to the request and intends to file a brief opposition shortly after this filing.

I thank the Court for its consideration of this request.

Respectfully submitted,

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cc: Counsel of record (via ECF)

Application **DENIED**. The date of the initial pretrial conference and deadline to submit the joint status letter and proposed case management plan remain the same. SO ORDERED. The Clerk of Court is respectfully directed to terminate ECF No.17.



Dale E. Ho
United States District Judge
Dated: April 24, 2025
New York, New York